is supported by the great weight of decision. *Wood* v. *American Fire Ins. Co.*, 149 N. Y. 382, 44 N. E. 80; *Stephens* v. *Illinois Mutual Fire Ins. Co.*, 43 Ill. 327.

INTERSTATE COMMERCE — CONTROL BY CONGRESS — FEDERAL STATUTE AGAINST SHIPPING LIQUOR INTO STATES WHICH PROHIBIT ITS MANUFACTURE AND SALE. — A federal statute prohibits the shipment of intoxicating liquor into states which prohibit its manufacture and sale (39 STAT. L. 1069). Defendant was convicted under this statute for carrying intoxicating liquor for his personal use from Kentucky into West Virginia, which prohibited the manufacture and sale of liquor but did not prohibit its importation for personal use. *Held*, that the statute was not unconstitutional. *United States* v. *Hill*, 39 Sup. Ct. Rep. 143.

The power of Congress to regulate interstate commerce is limited only by the constitution of the United States. *Hipolite Egg Co.* v. *United States*, 220 U. S. 45. It extends to absolute prohibition. *Lottery Case*, 188 U. S. 321. Means may be adopted for its exercise that have the quality of police regulations, even though the states have police power over the same subject within their boundaries. *Hoke* v. *United States*, 227 U. S. 308. The statute is therefore constitutional unless it involves such an unreasonable and arbitrary discrimination between states as to constitute a denial of due process of law. A statute prohibiting the sale of liquor to Indians for a limited time after they had lost the character of tribal Indians has been held a reasonable exercise of the power to regulate commerce with the Indian tribes. *Dick* v. *United States*, 208 U. S. 340. And likewise a statute prohibiting the sale of liquor in a portion of a state inhabited partially by tribal Indians. *Ex parte Webb*, 225 U. S. 663. A statute taxing corporations has been held not an arbitrary discrimination between classes of persons. *Corporation Tax Cases*, 220 U. S. 107. The principal case goes slightly further than these, as the statute goes beyond the state policy which is the basis for the distinction, but this basis is nevertheless a sound one, and on the whole the discrimination does not seem an unreasonable one.

LIBEL AND SLANDER — PRIVILEGED COMMUNICATIONS — ABUSE OF PRIVILEGE. — A bank depositor requesting blank checks received some with the name of an association faintly stamped above the line for signature. The depositor, oblivious to the stamp, signed and distributed the checks. The bank returned the checks to the payees, with "Forgery" written upon them, and an attached slip marked "Signature Incorrect." The depositor brought action for libel and slander against the bank. *Held*, that he may recover. *Schwartz* v. *Chatham & Phenix National Bank*, 172 N. Y. Supp. 762.

The charge "Forgery" is actionable *per se* as imputing an indictable offense. *Herzog* v. *Campbell*, 47 Neb. 370, 66 N. W. 424. A libellous publication reasonably impressing one as designating the plaintiff renders the defendant liable. *The King* v. *Clerk*, 1 Barn. 304. That the plaintiff is not named by the defendant is immaterial if intrinsic evidence makes apparent the allusion to him. *Van Ingen* v. *Mail & Express Pub. Co.* 156 N. Y. 376, 50 N. E. 979. Accusation of an illegal drawing by the plaintiff on the association's funds is reasonably to be inferred from the charge. Communications between banks and payees of checks drawn thereon, concerning their validity, are, on principle, privileged. *Christopher* v. *Akin*, 214 Mass. 332, 101 N. E. 971; *Rotholz* v. *Dunkle*, 53 N. J. L. 438, 22 Atl. 193. But a privilege exceeded is a privilege lost. *Payne* v. *Rouss*, 61 N. Y. Supp. 705; *Smith* v. *Smith*, 73 Mich. 445, 41 N. W. 499. In the absence of a privilege or where one is exceeded no malice need be shown. POLLOCK, TORTS, 7 ed., 600; 23 HARV. L. REV. 218. The charge "Forgery" in addition to the notification "Signature Incorrect," was

unnecessary to protect the bank's interest; nor was it made in connection with an inquiry into the act or a prosecution thereof. This abuse of privilege, though unintentional, renders the defendant liable.

MUNICIPAL CORPORATIONS — POLICE POWER — VALIDITY OF ORDINANCE PROHIBITING CIRCULATION OF A NEWSPAPER. — The municipal council of North Bergen, N. J., passed an ordinance forbidding the circulation within its limits of a German newspaper. The enforcement of the ordinance was restrained until final hearing, and the defendant appealed. *Held*, that the restraint be continued. *New Yorker Staats-Zeitung* v. *Nolan*, 105 Atl. 72 (N. J.).

An ordinance passed under the general exercise of police power must be reasonable; that is, it must tend in an impartial manner to promote public health, morals, or welfare by methods that are adapted to the purpose and are not unduly oppressive. *Zion* v. *Behrens*, 262 Ill. 510, 104 N. E. 836; *State* v. *Starkey*, 112 Me. 8, 90 Atl. 431; *Tolliver* v. *Blizzard*, 143 Ky. 773, 137 S. W. 509. Thus ordinances requiring bicycles to carry lights after dark, or forbidding automobiles to run on country roads after sunset, are valid. *In re Berry*, 147 Cal. 523, 82 Pac. 44; *City of Des Moines* v. *Keller*, 116 Iowa, 648, 88 N. W. 827. But an ordinance forbidding vehicles other than those propelled by animals to use the streets is void. *Bogue* v. *Bennett*, 156 Ind. 478, 60 N. E. 143. So also an ordinance regulating laundries was held invalid because it tended to discriminate against Chinamen *qua* Chinamen. *Yick Wo* v. *Hopkins*, 118 U. S. 356. Recently the New Jersey court seems to have overlooked such discrimination in upholding an ordinance forbidding aliens to operate "jitneys." *Morin* v. *Nunan*, 103 Atl. 378 (N. J.). In the principal case, however, it properly forbids an unreasonable personal discrimination.

NEW TRIAL — GROUNDS FOR GRANTING NEW TRIAL — JUDGMENT NOTWITHSTANDING THE VERDICT. — The plaintiff in his statement of claim alleged that he was a customer of the defendant bank, that acting under the advice of its manager he made an investment in a security which turned out to be worthless, and that the advice was negligently given. The defendant denied that the advice was given negligently, and denied that the manager was acting within the scope of his authority. In answer to questions the jury found that the advice was negligently given by the manager and that he was acting within his authority in giving the advice; and they gave a verdict for the plaintiff. The defendant appealed to the Court of Appeal, asking for judgment or a new trial, on the ground (*inter alia*) that there was no evidence that the manager in giving the advice was acting within the scope of his authority. This point was not made by the defendant at the trial. The Court of Appeal decided that there was in fact no evidence of the manager's authority, and ordered judgment to be entered for the defendant. *Held*, that the order should be affirmed. *Banbury* v. *Bank of Montreal*, [1918] A. C. 626.

For a discussion of this case, see NOTES, page 711.

PRINCIPAL AND SURETY — ACCELERATION OF MATURITY — DUTY TO DISCLOSE — DISCHARGE OF SURETY. — By an agreement between the plaintiff payee and the maker all notes were to become due four months after default on any one. The defendant refused to go surety for a certain amount on one note, but, being unaware of the agreement accelerating maturity, consented to and did sign as surety, at the maker's request, a series of notes for a similar amount. The plaintiff payee had notice of the defendant surety's refusal, but did not disclose the agreement. *Held*, that defendant is liable to the payee on the original due dates. *Hatfield* v. *Jackway*, 170 N. W. 181 (Neb.).

If, at the inception of the relation, the creditor has knowledge of material facts, unknown to the surety, increasing the ordinary suretyship risks, a failure to disclose them will discharge the surety. *Damon* v. *Empire State Surety Co.*,